

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORMAN FOSTER,

Plaintiff,

v.

STATE OF WISCONSIN, DEPARTMENT OF
CORRECTIONS,

Defendant.

ORDER

09-cv-457-slc

Plaintiff Norman Foster, a prisoner at the Jackson Correctional Institution in Black River Falls, Wisconsin, has submitted a proposed complaint in this case. Plaintiff has neither paid the \$350 filing fee nor submitted a six-month trust fund account statement. Therefore, I construe the complaint to include a request for leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff submits a trust fund account statement for the six-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915(a)(2).

Plaintiff's complaint was postmarked July 16, 2009. His trust fund account statement should cover the six-month period beginning approximately January 16, 2009 and ending approximately July 16, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff may have until August 7, 2009, in which to submit a certified copy of his trust fund account statement for the period beginning approximately January 16, 2009 and ending approximately July 16, 2009. If, by August 7, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily. In that event, the clerk of court is directed to close this case without prejudice to plaintiff's filing his case at a later date.

Entered this 21st day of July, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge